

2005 DRAFTING REQUEST

Bill

Received: **01/20/2005**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2843**

By/Representing: **Binau**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Higher Education - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Binau, BB0451 -

Topic:

Wisconsin higher education grant appropriation

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 01/20/2005	kfollett 01/20/2005					State
/1			jfrantze 01/20/2005		lnorthro 01/20/2005		State
/2	gmalaise 01/31/2005	jdye 01/31/2005	jfrantze 02/01/2005		sbasford 02/01/2005		

FE Sent For:

<END>

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/1		1/2 1/31 jld	jfrantze 01/20/2005	_____	Inorthro 01/20/2005		

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[Handwritten signature]
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/?	gmalaise	1/15/05 1/20/05	Jef 1/20/05	Self 1/20/05			

FE Sent For:

<END>

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: Higher Educational Aids Board – Non-Statutory Language on WHEG-UW
Grant program Sum Sufficient.
- Tracking Code: *BBO 451*
- SBO team: Education
- SBO analyst: R.J. Binau
 - Phone: 6-2843
 - Email: rj.binau@doa.state.wi.us
- Agency acronym: HEAB
- Agency number: 566

CORRESPONDENCE MEMORANDUM**STATE OF WISCONSIN**
Department of Administration

Date: January 20, 2005

To: Steve Miller
Legislative Reference Bureau

From: R.J. Binau *RJB*
Executive Policy and Budget Analyst

Subject: Budget Bill Drafting Request

Please beginning drafting language for the upcoming 2005 -07 budget bill for the following subjects.

1. Higher Educational Aids Board - WHEG-UW grant program Sum Sufficient

This should be nonstatutory language that notwithstanding section that s. 20.235 (1) (fe) to read: "A sum sufficient equal to \$44,783,200 in the 2005-06 fiscal year and \$51,469,300 in the 2006-07 fiscal year. The language would reinstitute the sum sufficient language thereafter.

If you have any questions please call me at 266-2843.

cc: Linda Nelson
Bob Hanle



State of Wisconsin
2005 - 2006 LEGISLATURE

1/20 or 1/21

LRB-1803/27

GMM...

NOTE

DOA:.....Binau, BB0451 - Wisconsin higher education grant appropriation
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, there is appropriated to the Higher Educational Aids Board (HEAB) a sum sufficient equal to \$20,745,900 in the 2003-04 fiscal year and equal to \$19,926,800 in the 2004-05 fiscal year for higher education grants for University of Wisconsin System students. This bill appropriates to HEAB a sum sufficient equal to \$44,783,200 in the 2005-06 fiscal year and equal to \$51,469,300 in the 2006-07 fiscal year for those grants.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.235 (1) (fe) of the statutes is amended to read:

3 20.235 (1) (fe) Wisconsin higher education grants; University of Wisconsin

4 System students. A sum sufficient equal to \$20,745,900 \$44,783,900 in the 2003-04

✓
1 2005-06 fiscal year, equal to ~~\$19,926,800~~ \$51,469,300 in the ~~2004-05~~ 2006-07 fiscal
2 year, and equal to the amount ~~determined~~ calculated under s. 39.435 (7) for the
3 Wisconsin higher education grant program under s. 39.435 for University of
4 Wisconsin System students, except for grants awarded under s. 39.435 (2) or (5),
5 thereafter.

History: 1971 c. 44; 1971 c. 125 ss. 62, 63, 64, 65, 66, 522 (1); 1971 c. 211; 1973 c. 90, 243, 333; 1975 c. 39, 118, 189, 199, 224; 1977 c. 29, 418; 1979 c. 34 ss. 136 to 155, 2102 (22) (a); 1979 c. 175, 221; 1981 c. 20 ss. 156 to 162p, 2202 (22) (a); 1983 a. 27; 1985 a. 29, 120; 1987 a. 27, 399; 1987 a. 403 s. 256; 1989 a. 31, 336; 1991 a. 39, 269; 1993 a. 16, 399; 1995 a. 27 ss. 558 to 563, 9127 (1); 1997 a. 27 s. 236 to 242, 253, 267, 268; 1999 a. 9, 144; 2001 a. 16, 109; 2003 a. 33.

6 **SECTION 2.** 39.435 (7) (a) 1. of the statutes is amended to read:

7 39.435 (7) (a) 1. For purposes of ~~determining the appropriation~~ calculating the
8 amount to be appropriated under s. 20.235 (1) (fe) for fiscal year ~~2005-06~~ 2007-08,
9 “base amount” means the amount shown in the schedule under s. 20.005 for that
10 appropriation for fiscal year ~~2004-05~~ 2006-07.

History: 1973 c. 90; 1973 c. 335 s. 13; 1975 c. 39, 189, 224; 1977 c. 26 s. 75; 1979 c. 34; 1983 a. 27 ss. 926d to 926t, 2202 (22); 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31; 1993 a. 399; 1995 a. 27, 404; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2003 a. 33.

11 **SECTION 3.** 39.435 (7) (a) 2. of the statutes is amended to read:

12 39.435 (7) (a) 2. For purposes of ~~determining the appropriation~~ calculating the
13 amount to be appropriated under s. 20.235 (1) (fe) for each fiscal year after fiscal year
14 ~~2005-06~~ 2007-08, “base amount” means the maximum appropriation amount
15 ~~determined~~ calculated under par. (b) for the previous fiscal year.

History: 1973 c. 90; 1973 c. 335 s. 13; 1975 c. 39, 189, 224; 1977 c. 26 s. 75; 1979 c. 34; 1983 a. 27 ss. 926d to 926t, 2202 (22); 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31; 1993 a. 399; 1995 a. 27, 404; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2003 a. 33.

16 **SECTION 4.** 39.435 (7) (b) (intro.) of the statutes is amended to read:

17 39.435 (7) (b) (intro.) Annually, beginning on February 1, ~~2005~~ 2007, the board
18 shall ~~determine the appropriation~~ calculate the amount to be appropriated under s.
19 20.235 (1) (fe) for the next fiscal year as follows:

History: 1973 c. 90; 1973 c. 335 s. 13; 1975 c. 39, 189, 224; 1977 c. 26 s. 75; 1979 c. 34; 1983 a. 27 ss. 926d to 926t, 2202 (22); 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31; 1993 a. 399; 1995 a. 27, 404; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2003 a. 33.

20 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1803/1d

GMM. 

Date

R.J.:

On the advice of the LRB General Counsel Peter J. Dykman, this draft requires HEAB to "*calculate* the amount to be appropriated" rather than to "*determine* the appropriation" because article VIII, section 2, of the Wisconsin Constitution provides that "[n]o money shall be paid out of the treasury except in pursuance of an appropriation by law" and article IV, section 1, of the Wisconsin Constitution vests the legislative power with the senate and assembly. As such, only the legislature and not HEAB is authorized to determine an appropriation.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1803/1dn
GMM:kjf:jf

January 20, 2005

R.J.:

On the advice of the LRB General Counsel Peter J. Dykman, this draft requires HEAB to "*calculate* the amount to be appropriated" rather than to "*determine* the appropriation" because article VIII, section 2, of the Wisconsin Constitution provides that "[n]o money shall be paid out of the treasury except in pursuance of an appropriation by law" and article IV, section 1, of the Wisconsin Constitution vests the legislative power with the senate and assembly. As such, only the legislature and not HEAB is authorized to determine an appropriation.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.state.wi.us

Malaise, Gordon

From: Binau, RJ
Sent: Sunday, January 30, 2005 3:37 PM
To: Malaise, Gordon
Subject: Change to LRB Draft 1803/1

Gordon,

I need to make a change to lrb draft 1803/1.

The monies to be appropriated in each year has changed. The numbers should now read:

"a sum sufficient equal to \$40,483,200 in 2005-06 and
\$46,871,700 in 2006-07.

Thanks

RJ

Robinson J. Binau
State Budget Office
608.266.2843



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1803/1

GMM:kjf:jf

2/2/05

DOA:.....Binau, BB0451 - Wisconsin higher education grant appropriation
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

don't gen

\$46,871,700

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
EDUCATION

\$40,483,200

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, there is appropriated to the Higher Educational Aids Board (HEAB) a sum sufficient equal to \$20,745,900 in the 2003-04 fiscal year and equal to \$19,926,800 in the 2004-05 fiscal year for higher education grants for UW System students. This bill appropriates to HEAB a sum sufficient equal to ~~\$44,788,200~~ in the 2005-06 fiscal year and equal to ~~\$51,469,300~~ in the 2006-07 fiscal year for those grants.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

\$40,483,200

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3 20.235 (1) (fe) Wisconsin higher education grants; University of Wisconsin

4 System students. A sum sufficient equal to \$20,745,900 ~~\$44,788,200~~ in the 2003-04

\$46,871,700

① 2005-06 fiscal year, equal to \$19,926,800 ~~\$51,469,300~~ in the 2004-05 2006-07 fiscal
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8 amount to be appropriated under s. 20.235 (1) (fe) for fiscal year 2005-06 2007-08,
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18 shall ~~determine the appropriation~~ calculate the amount to be appropriated under s.
19 20.235 (1) (fe) for the next fiscal year as follows:

20 (END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1803/2
GMM:kjf:jf

DOA:.....Binau, BB0451 - Wisconsin higher education grant appropriation
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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Analysis by the Legislative Reference Bureau
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